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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,040	03/30/2001	Kelly Ervin Sonderegger	56932.000005	5143

29315 7590 02/26/2004

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EXAMINER

POND, ROBERT M

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 02/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

~~Christopher Cures #42,450 202-955-1500~~

✓ Dorene Sisok: No their case 9/4/2000

Call to get attorney info

703-464-4800

Gerda - whole patent assignment left

Martha Spetoz: 703-464-4813

May 25th

Office Action Summary

Application No.

09/821,040

Applicant(s)

SONDEREGGER ET AL.

Examiner

Robert M. Pond

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/12 July 2001</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-5 are rejected under 35 USC 102(e) as being anticipated by**

Brody et al. (patent application publication 2001/0029485).

Brody et al. teach all the limitations of Claims 1-5. For example, Brody et al. disclose a method for enabling a user to transact an anonymous online purchase and payment (please see at least abstract; page 1, 0002 through page 2, 0010).

Brody et al. further disclose:

- *Providing an anonymous user interface:* (see at least page 5, 0037; page 7, 0048).

- Accessing a first profile comprising user data: first profile contains true user data (see at least page 2, 0011, 0012; page 6, 0041).
- Generating a second profile linked to the first profile: second profile contains anonymous data linked to first profile (see at least page 2, 0016).
- Communicating the anonymous data from second profile: communicates anonymous data to merchant (see at least page 2, 0014, 0035).
- Single use transaction number associated with user credit card: (see at least page 5, 0039).
- Alias name: Pseudo-random attributes (e.g. customer name) (see at least page 1, 0009).
- Anonymous address: customer supplies anonymous card data (please note: anonymous card data includes customer's address as disclosed on page 6, 0041) upon merchant request for card number, shipping address, and name (see at least Fig. 3 (65); page 1, 0005; page 6, 0041; page 7, 0045).
- Accessing over secure communication path: (see at least page 6, 0041).

3. Claims 6-10 are rejected under 35 USC 102(e) as being anticipated by Brody et al. (patent application publication 2001/0029485).

Brody et al. teach all the limitations of Claims 16-10. For example, Brody et al. disclose a system for enabling a user to transact an anonymous online transaction featuring remote computers connected to an anonymous transaction

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server via the Internet communicating with online merchants (please see at least abstract; page 1, 0002 through page 2, 0010). Brody et al. disclose an anonymous transaction server that generates customer profiles containing true customer profile data and anonymous customer profile data. Brody et al. further disclose:

- Providing an anonymous user interface: (see at least page 5, 0037; page 7, 0048).
- Accessing a first profile comprising user data: first profile contains true user data (see at least page 2, 0011, 0012; page 6, 0041).
- Generating a second profile linked to the first profile: second profile contains anonymous data linked to first profile (see at least page 2, 0016).
- Communicating the anonymous data from second profile: communicates anonymous data to merchant (see at least page 2, 0014, 0035).
- Single use transaction number associated with user credit card: (see at least page 5, 0039).
- Alias name: Pseudo-random attributes (e.g. customer name) (see at least page 1, 0009).
- Anonymous address: customer supplies anonymous card data (please note: anonymous card data includes customer's address as disclosed on page 6, 0041) upon merchant request for card number, shipping address, and name (see at least Fig. 3 (65); page 1, 0005; page 6, 0041; page 7, 0045).

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- Accessing over secure communication path: (see at least page 6, 0041).

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mr. Robert M. Pond** whose telephone number is 703-605-4253. The examiner can normally be reached Monday-Friday, 8:30AM-5:30PM Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Mr. Vincent Millin** can be reached on 703-308-1065.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **703-308-1113**.

Any response to this action should be mailed to:


Commissioner of Patents and Trademarks

Washington D.C. 20231

or faxed to:

703-872-9306 (Official communications; including After Final communications labeled "Box AF")

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th floor receptionist.


Robert M. Pond
Patent Examiner
February 19, 2004